Customer No. 22,852
Attorney Docket No. 06502.0490-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)
	)
Jakob NIELSON	) Group Art Unit: 2161
	)
Application No.: 08/865,841	) Examiner: Frantz Coby
	)
Filed: May 30, 1997	)
	)
For: ADAPTIVE META-TAGGING OF WEBSITES	) Confirmation No.: 8979
	)

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the Notice of Appeal filed July 27, 2006, and further to 37 C.F.R.

41.37(a)(1), Appellant presents this brief and enclose herewith a check for the fee of

$500.00 required under 37 C.F.R. 41.20(b)(2).

This Appeal responds to the rejection of claims 1-26 in the Office Action mailed

May 1, 2006.

If any additional fees are required or if the enclosed payment is insufficient,

Appellant requests that the required fees be charged to Deposit Account No. 06-0916.

TABLE OF CONTENTS

I. **REAL PARTY IN INTEREST**

Sun Microsystems, Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no known related pending appeals or interferences directly affected by or having a bearing on the decision in the pending appeal.

III.   STATUS OF CLAIMS

Claims 1-26 remain pending and under current examination.

Claims 1-26 have been rejected under 35 U.S.C. §102(e) as being anticipated by

U.S. Patent No. 5,995,979 to Cochran ("*Cochran*"). Claims 19, 20, and 25 have been

rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No.

5,550,971 to Brunner et al. ("*Brunner*") in view of *Cochran*. Appellant appeals the

rejections of those claims. The attached Appendix contains a clean copy of the claims

involved in the appeal, claims 1-26.

IV. STATUS OF AMENDMENTS

All amendments have been entered. No amendments under 37 C.F.R. § 1.116

have been filed.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

The invention relates generally to a method and apparatus for information retrieval and more particularly to a method and apparatus for using search terms in queries for locating documents or files in an information retrieval system.

A processor receives search queries submitted by a client and processes the search queries against stored information. *See*, for example, specification at page 10, paragraph no. 3 - page 11, paragraph 2, and Fig. 4. A list of terms used in the search queries is presented over a period of time. *See*, for example, specification at page 11-12, paragraph no. 3, and Fig. 5. The list of terms are selectively added to the stored information against which the search queries are processed. *See*, for example, specification at page 10, paragraph no. 3. The terms that are added may be added to the stored information as a meta tag. *See*, for example, specification at page 3, paragraph no. 4.

In other embodiments, the processor stores a frequency of occurrence of the search terms and selects at least a portion of relatively high frequency search terms and selectively adds each search term to the stored information as a meta tag. *See*, for example, specification at page 3, paragraph no. 4 and page 13-14, paragraph 3. The processor also generates a new term list of terms used in queries received by the information retrieval system during a later period of time which are not in a master term list. The processor adds the master term list and the new term list as a meta-tag to the documents containing the terms. *See*, for example, specification at page 3, paragraph no. 4 and page 14-15, paragraph 2-3.

VI.   GROUNDS OF REJECTION

A.   Claims 1-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,995,979 to Cochran ("*Cochran*"). *See Office Action mailed May 1, 2006.* Appellant appeals this rejection of those claims.

B.   Claims 19, 20, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,550,971 to Brunner et al. ("*Brunner*") in view of *Cochran*. *See Office Action mailed May 1, 2006.* Appellant appeals this rejection of those claims.

VII.   ARGUMENT

A. INTRODUCTION

In view of the reasoning set forth below, Appellant respectfully requests the

Board to reverse the Examiner's rejections. Each ground of rejection is treated under a

separate heading, with claims argued separately being placed under a subheading

identifying the claims by number.

B. The rejection of claims 1-6 under 35 U.S.C. § 102(e) as being anticipated by *Cochran*

In order to properly establish that *Cochran* anticipates Appellant's claimed

invention under 35 U.S.C. § 102, each and every element of each of the claims in issue

must be found, either expressly described or under principles of inherency, in that single

reference. Furthermore, "[t]he identical invention must be shown in as complete detail

as is contained in the ... claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki*

Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Cochran does not disclose each and every element of Appellant's claimed

invention. Independent claim 1 calls for a combination including, for example,

> a processor connected to said bus, said processor configured to receive non-predetermined search queries submitted by a client over said network interface, to process the search queries against the stored information, and to provide a list of terms used in the search queries presented over a period of time, <u>wherein the list of terms are selectively added to the stored information against which the search queries are processed</u>.

(emphasis added). *Cochran* fails to teach or suggest at least these elements.

Cochran discloses list identifiers, displayed on the user's display device 725, that

are "terms or phrases identifying the various categories of information that the user may

select when formulating a search strategy" (col. 7, lines 19-21). "Once a list of search

terms is displayed for a particular list identifier, the user may select one of the multiple search terms displayed 18" (col. 7, lines 48-50). "Once the user is satisfied with the selected search terms . . . the user indicates that a search is to be conducted 24" (col. 8, lines 15-18). The search request is sent to the database 710 and the "database is then searched for records having the selected search terms 32" (col. 8, lines 47-48). The subset of records "is examined to create updated lists for the list identifiers that were not originally searched in step 24 and to transfer the new lists to the user's computer" (col. 8, lines 54-57).

The Examiner states, "Cochran discloses . . . providing a method for managing the presentation of search terms on a computer wherein multiple lists of search terms are displayed, a search is conducted based upon selected search terms from one or more of the multiple search lists, also, the records identified by the search is used to form new lists of search terms (See Cochran Abstract; Col. 4, lines 1-57; Figure 2 and corresponding text)" (Office Action dated May 1, 2006 at page 3). However, the cited passages merely describe that "the search request is transmitted to the database 710 . . . and the matching records . . . are stored or otherwise marked as a subset of records 34 at server 710" (*Cochran*, col. 8, lines 45-50). "The subset of records is examined to create updated lists for the list identifiers that were not originally searched" (col. 8, lines 54-57). "The search terms are placed into an alphabetical, chronological or numerical order and duplicate search terms are eliminated" (col. 9, lines 4-7). "The newly generated lists are transmitted back to the user's computer terminal" (col. 9, lines 10-11).

Cochran may create updated lists that were not originally searched. Even assuming that the search terms in *Cochran* correspond to the claimed "list of terms," which Appellant does not concede, the search terms are not "added to the stored information <u>against which the search queries are processed</u>," as recited in claim 1. On the contrary, the lists for the list identifiers of *Cochran* may be updated to include new search terms. These search terms are added to the list, and the search terms contained within the list are used to search a database "for records having the selected search terms" (col. 8, lines 47-48). The search terms of *Cochran* may be added <u>to the list</u> of search terms, but they are not added to the <u>stored information against which</u> the search terms are processed.

Therefore, *Cochran* does not teach or suggest a "processor configured . . . to process the search queries against the stored information, and to provide a list of terms used in the search queries presented over a period of time, <u>wherein the list of terms are selectively added to the stored information against which the search queries are processed</u>," as recited in independent claim 1.

Similar reasoning applies to claim 4. That is, *Cochran* fails to teach or suggest a "server configured to provide a list of terms used in the search queries over a period of time, <u>wherein the list of terms are selectively added to at least one of the stored items</u>, the at least one of the stored items being selected by selections received from users using a browser," as recited in independent claim 4.

Accordingly, *Cochran* cannot anticipate independent claims 1 or 4. Claims 2 and 3 depend from claim 1 and are thus also allowable over *Cochran* for at least the same reasons as claim 1. Claims 5 and 6 depend from claim 4 and are thus also allowable

over *Cochran* for at least the same reasons as claim 4. Appellant requests the Board to allow these claims.

C. The rejection of claims 7-12 under 35 U.S.C. § 102(e) as being anticipated by *Cochran*

Cochran does not disclose each and every element of Appellant's claimed invention. Independent claim 7 calls for a combination including, for example,

> storing a list of non-predetermined queries . . .;
> storing a list of search terms used in the queries together with frequency of occurrence of the search terms;
> selecting at least a portion of relatively high frequency search terms; and
> processing each search term of the portion and selectively adding each search term to documents or files stored in the system as a meta-tag.

(emphasis added). *Cochran* fails to teach or suggest at least these elements.

The Examiner states, "Cochran discloses the claimed limitations of 'processing each search term of the portion and selectively adding each search term to documents or files stored in the system as a meta-tag' by allowing entry to be made in the lists, thus updating the lists (See Cochran Col. 12, lines 54-56)" (Office Action dated May 1, 2006 at page 7).

The Examiner appears to take the position that allowing entry to be made in the lists in *Cochran* is the same as "selectively adding each search term to documents or files stored in the system as a meta tag," as recited in independent claim 7. This position is contrary to well-settled rules of claim interpretation that when giving a claim its broadest reasonable interpretation, the words of a claim must be read as they would be interpreted by those of ordinary skill in the art. *In re Baker Hughes Inc.*, 215 F.3d 1297, 55 USPQ2d 1149 (Fed. Cir. 2000); *In re Morris*, 127 F.3d 1048, 1054, 44

USPQ2d 1023, 1027 (Fed. Cir. 1997); M.P.E.P. 2111.01. Although limitations from the specification are not to be read into the claim, the proper claim interpretation must be consistent with the specification. *In re Bond*, 910 F.2d 831, 833, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) ("It is axiomatic that, in proceedings before the PTO, claims in an application are to be given their broadest reasonable interpretation consistent with the specification")." Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one that those skilled in the art would reach." *In re Cortright*, 165 F.3d 1353, 1369, 49 USPQ2d 1464, 1465 (Fed. Cir. 1999).

Accordingly, the interpretation proposed by the Examiner is <u>not</u> reasonable for at least two reasons. First, Appellant's specification states that "meta-information is information about information. Some documents or files contain sections which contain meta-information related to the contents of that document or file. A meta-tag is an entry in a meta-information section of a document or file." (Specification at page 1, lines 8-11). Therefore, in order for a document to have meta-tags, it must have a meta-information section. The *Cochran* lists however, do <u>not</u> contain a meta-information section, and as a result, cannot contain the claimed "meta tags."

Second, a person skilled in the art of meta-information would readily understand "meta" as "a word denoting a description that is one level of abstraction above the entity being described." *IEEE 100: The Authoritative Dictionary of IEEE Standards Terms*, Institute of Electrical and Electronics Engineers, Inc. 2000, page 688. Therefore a meta-tag, as described in the specification, is an entry in a meta-information section of a document or a file, and it would describe the document or file that it is inserted into.

The *Cochran* lists, however, are merely a collection of search terms from many different records. After the search terms of *Cochran* are gathered, they are put into one list (col. 8, line 66 - col. 9, line 9). Therefore, in order for the entries in this list to meet the definition of meta-tag, they would have to describe the document in which they are located. In *Cochran*, the search terms in this new list do not describe the document in which they are located, but merely "correspond to at least one record in existence in the subset of records." (col. 9, lines 5-6). *Cochran* therefore, fails to disclose "meta-tag" as recited in claim 7.

Furthermore, on page 17 of the Office Action dated December 20, 2004, the Examiner states "[s]ince Cochran selected, processed and added all the terms and Cochran did not make any distinction between the higher and lower term frequencies; therefore, at one point in Cochran the highest term is selected, processed and added to the lists" (emphasis added). The Examiner admits that *Cochran* does not make a distinction between the frequency of the terms. Therefore, *Cochran* also fails to teach "storing a list of search terms ... with frequency of occurrence" and "selecting at least a portion of relatively high frequency search terms," as recited in claim 7.

Accordingly, *Cochran* cannot anticipate claim 7. Claims 8-12 depend from claim 7 and are thus also allowable over *Cochran* for at least the same reasons as claim 7. Appellant requests the Board to allow these claims.

D. The rejection of claims 13 and 18 under 35 U.S.C. § 102(e) as being anticipated by *Cochran*

Cochran does not disclose each and every element of claims 13 and 18. Independent claim 13 calls for a combination including, for example,

storing a list of non-predetermined terms used in queries received
from a client;
storing, with the list, <u>a frequency of occurrence of the terms</u>; and
<u>adding at least one term selected from the list based on frequency
of occurrence to at least one document to be searched containing the term
as a meta-tag</u> and stored at a web server.

(emphasis added). *Cochran* fails to teach or suggest these elements.

As stated above, *Cochran* does not teach or suggest storing "a frequency of
occurrence of the terms" or a "meta-tag." Moreover, *Cochran* may create updated lists
that were not originally searched. Even assuming that the search terms in *Cochran*
correspond to the claimed "list of terms," which Appellant does not concede, the search
terms are not "add[ed] . . . <u>to at least one document to be searched containing the term
as a meta-tag</u>," as recited in claim 13. On the contrary, the lists for the list identifiers in
Cochran may be updated to include new search terms. These search terms are added
to the list, and the search terms contained within the list are used to search a database
"for records having the selected search terms" (col. 8, lines 47-48). The search terms
may be added <u>to the list</u> of search terms in *Cochran*, but they are not added "<u>to at least
one document to be searched</u> containing the term <u>as a meta-tag</u>," as recited in claim 13.
Therefore, *Cochran* fails to teach or suggest at least this element of claim 13.

Accordingly, *Cochran* cannot anticipate claim 13. Independent claim 18, while of
different scope, recites elements similar to those of claim 13 and is thus allowable over
Cochran for at least the same reasons discussed above with respect to claim 13.
Appellant requests the Board to allow these claims.

E. The rejection of claims 14-17 and 19-26 under 35 U.S.C. § 102(e) as being anticipated by *Cochran*

Cochran does not disclose each and every element of claims 14-17 and 19-26.

Independent claim 14 calls for a combination including, for example,

> generating a master term list . . .;
> generating a new term list of terms . . .; and
> adding, <u>to documents stored at a web server containing the terms,</u>
> <u>the master term list and the new term list as a meta-tag</u>.

(emphasis added). *Cochran* fails to teach or suggest these elements.

As stated above, *Cochran* does not teach or suggest a "meta-tag." In addition, the search terms in *Cochran* are not "add[ed] . . . <u>to at least one document to be</u> <u>searched containing the term as a meta-tag</u>." As previously stated, the lists for the list identifiers in *Cochran* may be updated to include new search terms. These search terms are added to the list, and the search terms contained within the list are used to search a database "for records having the selected search terms" (col. 8, lines 47-48). The search terms may be added <u>to the list</u> of search terms in *Cochran*, but they are not added "<u>to documents stored at a web server containing the terms</u>, the master term list and the new term list <u>as a meta-tag</u>," as recited in claim 14. Therefore, *Cochran* fails to teach or suggest at least this element of claim 14.

Accordingly, *Cochran* cannot anticipate claim 14. Claims 15-17 depend from claim 14 and are thus also allowable over *Cochran* for at least the same reasons as claim 14. Independent claims 19-21 and 23-26, while of different scope, recite elements similar to those of claim 14 and are thus allowable over *Cochran* for at least the same reasons discussed above with respect to claim 14. Claim 22 is also allowable at least

due to its dependence from claim 21. Appellant requests the Board to allow these claims.

F. The rejection of claims 19, 20, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Brunner* in view of *Cochran*

The rejection of claims 19, 20, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Brunner* in view of *Cochran* is improper because the references fail to establish a *prima facie* case of obviousness. A *prima facie* case of obviousness requires, *inter alia*, that the prior art references, when combined, must teach or suggest every aspect of the claims. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *see also* M.P.E.P. § 2143. A *prima facie* case of obviousness has not been established because, among other things, neither *Brunner* nor *Cochran*, taken alone or in combination, teach or suggest each and every element recited by Appellant's claims.

Independent claim 19 calls for a combination including, for example,

> extracting non-predetermined terms . . .;
> presenting the extracted terms to the user;
> receiving a user selection of terms using a browser; and
> adding the received terms to a document to be searched as a meta-tag and stored at a web server.

(emphasis added). *Brunner* fails to teach or suggest these elements.

The Examiner has acknowledged that *Brunner* "did not specifically detail the aspects of adding the received terms to a document as a meta-tag" (Office Action mailed May 1, 2006 at page 10). The Examiner therefore cited *Cochran* in further support of the § 103 rejection.

However, *Cochran* does not cure the deficiencies of *Brunner*. That is, as explained above, *Cochran* also fails to teach or suggest "adding the received terms to a document as a meta-tag," as recited in claim 19.

17

The Examiner states that "[a]s to the aspect of adding as meta-tag. Cochran provides [a] mechanism that allows terms added in the list to be viewed or access as meta-tag because 'FIG. 3b shows a list of search terms 211 that is displayed if the user expands pick box 311 corresponding to the first list identifier 111, Start of Travel" (Office Action mailed May 1, 2006 at page 11). The Examiner further states, on pages 11-12:

> [t]he most important part of the description of Figure 3b, in another to understand the teachings of Cochran with respect to meta-tag or information about information, is a list of search terms 211 that is displayed if the user expands Dick [sic] box 311 corresponding to the first list identifier 111 (Sta4 [sic] of Travel). In this case, the first list identifier 111 (Start of Travel) is the data that describes meta-data list of search terms 211 because when Start Travel is selected the meta-data for a corresponding list of search terms are displayed within the travel search database window.

This, however, is not a teaching or suggestion of at least "adding the received terms to a document as a meta-tag," as recited in claim 19. As previously stated, even if the cited portions disclose lists of search terms, which Appellant does not concede, they fail to teach or suggest "adding the received terms to a document as a meta-tag," as recited in claim 19.

Accordingly, *Brunner* in view of *Cochran* fail to establish a *prima facie* case of obviousness with respect to claim 19, at least because the references fail to teach each and every element of the claim. Independent claims 20 and 25, while of different scope, recite elements similar to those of claim 19 and are thus allowable over *Brunner* in view of *Cochran* for at least the same reasons discussed above with respect to claim 19. Appellant requests the Board to allow these claims.
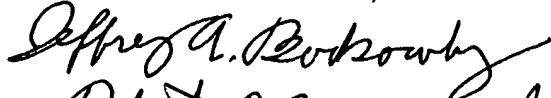
18

VIII. CONCLUSION

The Examiner has established neither anticipation nor a *prima facie* case of obviousness with respect to the presently appealed claims. For the reasons given above, pending claims 1-26 are allowable and reversal of the Examiner's rejections are respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 27, 2006   By: _____ # 27,432

Jeffrey A. Berkowitz
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IX.   Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1.   A web server for information retrieval, comprising:

a.   a bus;

b.   information storage accessible through the bus and containing stored information;

c.   a network interface connected to the bus; and

d.   a processor connected to said bus, said processor configured to receive non-predetermined search queries submitted by a client over said network interface, to process the search queries against the stored information, and to provide a list of terms used in the search queries presented over a period of time, wherein the list of terms are selectively added to the stored information against which the search queries are processed.

2.   The web server of claim 1 in which a term to be selectively added is added to a document or file as a meta-tag.

3.   The web server of claim 2 in which a term to be selectively added is also added to an inverted index.

4.   An information retrieval system, comprising:

a.   a network connected to a plurality of users; and

b.   at least one web server connected to said network, said server storing items in response to non-predetermined search queries received from the users,

the server configured to provide a list of terms used in the search queries over a period

of time, wherein the list of terms are selectively added to at least one of the stored

items, the at least one of the stored items being selected by selections received from

users using a browser.

5.   The system of claim 4 in which a term to be selectively added is added to

a document or file as a meta-tag.

6.   The system of claim 5 in which a term to be selectively added is also

added to an inverted index.

7.   A method of enhancing information retrieval in an information retrieval

system, comprising:

        a.   storing a list of non-predetermined queries received from a client to

a search engine on a website;

        b.   storing a list of search terms used in the queries together with

frequency of occurrence of the search terms;

        c.   selecting at least a portion of relatively high frequency search terms

; and

        d.   processing each search term of the portion and selectively adding

each search term to documents or files stored in the system as a meta-tag.

8.   The method of claim 7 in which processing each term of said portion comprises presenting the term to a user together with at least identifiers of a number of documents or files stored in said system containing said term.

9.   The method of claim 8 in which said processing includes presenting the term to a user together with at least portions of a document identified by one of said identifiers.

10.   The method of claim 9 in which said term is presented to a user with portions of a document in a graphical user interface having a user activatable function for adding a term to said document as a meta-tag.

11.   The method of claim 7 further comprising the step of providing an element for selectively adding said term to said document as a meta-tag.

12.   The method of claim 11 further comprising the step of providing an element for adding information about the term added to said document as a meta-tag in an inverted index.

13.   A method of enhancing information retrieval in an information retrieval system, comprising:

        a.   storing a list of non-predetermined terms used in queries received from a client;

b.. storing, with the list, a frequency of occurrence of the terms; and

c. adding at least one term selected from the list based on frequency of occurrence to at least one document to be searched containing the term as a meta-tag and stored at a web server.

14. A method of enhancing information retrieval in an information retrieval system, comprising:

a. generating a master term list of non-predetermined terms used in queries received from a client by the information retrieval system over a first period of time;

b. generating a new term list of terms used in queries received by the information retrieval system during a later period of time which are not in the master term list; and

c. adding, to documents stored at a web server containing the terms, the master term list and the new term list as a meta-tag.

15. The method of claim 14 in which at least one term selected from terms from said master term list is used to identify documents or files containing said term to which said term may be added as a meta-tag.

16. The method of claim 14 in which at least one term selected from terms from said master term list is used to identify only documents or files containing said term

which have been created or modified since the last time the master term list was used to identify documents or files, to which said term may be added as a meta-tag.

17.   The method of claim 15 in which said new term database is used to identify documents or files containing said term to which said term may be added as a meta-tag.

18.   A method of enhancing information retrieval in an information retrieval system, comprising:

a.   sorting non-predetermined query terms, received from a client and presented to the information retrieval system, by frequency of occurrence to provide a term list;

b.   eliminating noise words and stop words from the term list;

c.   selecting a portion of the term list containing the highest frequency terms;

d.   processing the highest frequency terms as candidates for inclusion in documents or files containing the terms as a meta-tag and stored at a web server; and

e.   adding the candidates to the documents or files containing the terms as a meta-tag.

19.   A method of assisting a user in indexing a document created by the user, comprising:

a.   extracting non-predetermined terms used in search queries

received from a client and presented to a search engine on a website over a period of

time;

b.   presenting the extracted terms to the user;

c.   receiving a user selection of terms using a browser; and

d.   adding the received terms to a document to be searched as a

meta-tag and stored at a web server.

20.   A method of enhancing information retrieval in a system containing stored

documents, comprising:

a.   identifying a stored document stored at a web server containing a

non-predetermined term received from a client;

b.   determining if the stored document contains subject matter related

to the term; and

c.   selectively adding the term to the document containing subject

matter related to the term as a meta-tag.

21.   A method of operating an information retrieval system, comprising the

steps of:

a.   extracting non-predetermined terms used in search queries

received from a client over a period of time;

b.   identifying documents or files containing at least one of said terms

and stored at a web server; and

c.   selectively adding said at least one of said terms to documents or files containing at least one of said terms as a meta-tag.

22.   The method of claim 21 in which said meta-tag is given more weight than other terms when ranking relevance of documents retrieved in response to a search query.

23.   A computer program product, comprising:

a.   a memory medium; and

b.   a computer program stored on the memory medium, the computer program comprising instructions for storing a list of non-predetermined terms used in queries together with frequency of occurrence and received from a client, and for adding at least one term selected from the list based on frequency of occurrence to at least one document containing the term as a meta-tag and stored at a web server.

24.   A computer program product, comprising:

a.   a memory medium; and

b.   a computer program stored on the memory medium, the computer program comprising instructions for generating a master term list of non-predetermined terms used in queries received from a client by an information retrieval system over a period of time, for generating a new term list of terms used in queries received by the information retrieval system during a later period of time which are not in the master

term list, and adding the master term list and the new term list as a source of terms to

documents containing the terms as a meta-tag and stored at a web server.

25.   A computer program product, comprising:

a.   a memory medium; and

b.   a computer program stored on the memory medium, the computer

program comprising instructions for extracting non-predetermined terms used in search

queries received from a client and presented to a search engine on a website over a

period of time, for presenting the extracted terms to the user, for receiving a user

selection of terms, and for adding the received terms to a document to be searched as a

meta-tag and stored at a web server.

26.   A computer program product, comprising:

a.   a memory medium located in a web server; and

b.   a computer program stored on the memory medium, said computer

program comprising instructions for extracting non-predetermined terms used in search

queries by received from a client over a period of time, for identifying documents or files

containing at least one of the terms and for selectively adding said at least one of the

terms to said documents or files containing the at least one of the terms as a meta-tag.

X. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

None

XI.   Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None